

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)
)
)
)
v.)
) Docket no. 2:12-CR-54-GZS
BRITTANY WILDES,)
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)
)
Defendant.)
)

ORDER ON MOTIONS IN LIMINE

Before the Court are Government's Motion in Limine to Admit Evidence of Defendant's Attempts to Influence Witness Testimony (ECF No. 92) and the Supplement to Government's Motion in Limine to Admit Evidence of Defendant's Attempts to Influence Witness Testimony (ECF No. 100). In response to these motions, Defendant has conceded that the evidence the Government proposes to introduce is "generally admissible;" nonetheless Defendant poses an objection under Rule 403. (Def. Response (ECF No. 103) at 1.)

At issue are three separate incidents involving apparently three different witnesses, each of whom allegedly has had some direct communication with Defendant regarding the trial and the witness' potential testimony. Having reviewed the proffers contained in the Government's motion papers, the Court concludes that a final determination as to the admissibility of each incident can only be made by conducting a hearing outside the presence of the jury to determine precisely what each witness' testimony will be on this topic. See F.R.E. 104(c). Therefore, the Government is hereby ORDERED that it shall not mention any of Defendant's alleged attempts to influence witness testimony in its opening statement. Additionally, the Government shall

approach sidebar and request a preliminary hearing outside the jury's presence before eliciting any testimony regarding the three incidents involving Defendant's attempts to influence witness testimony.

The Court hereby DENIES WITHOUT PREJUDICE Government's Motion in Limine to Admit Evidence (ECF No. 92) and the Government's Supplemental Motion in Limine (ECF No. 100). But, the Court will reconsider admitting the proposed testimony pursuant to the procedure described in this Order upon the Government's request at trial.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 29th day of October, 2012.